

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD LEE HARRIS,) NO. CV 13-7989 FMO (VBKx)
Plaintiff,)
v.) **ORDER DISMISSING ACTION WITHOUT
ASTRAZENECA PHARMACEUTICALS,
L.P., et al.,**) PREJUDICE
Defendants.)

On November 7, 2013, the court issued an Order to Show Cause why this case should not be dismissed for lack of subject matter jurisdiction. Jurisdiction was asserted on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. (See Complaint at ¶ 1). Defendants are limited partnerships, (see Complaint at ¶¶ 2 & 8), but the Complaint failed to allege the citizenship of each limited partner. See Grupo Dataflux v. Atlas Global Grp., L.P., 541 U.S. 567, 569, 124 S.Ct. 1920, 1923 (2004) (“[A] partnership . . . is a citizen of each State or foreign country of which any of its partners is a citizen.”); Carden v. Arkoma Assocs., 494 U.S. 185, 195, 110 S.Ct. 1015, 1021 (1990) (diversity jurisdiction depends on the citizenship of all members of an artificial entity); Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (“[A]n unincorporated association such as a partnership has the citizenships of all of its members.”).

Plaintiff's response to the Order to Show Cause did not set forth the citizenship of each partner. (See, generally, Declaration of Jeffrey R. Lamb in Response to OSC Re Dismissal (“Lamb Decl.”). Plaintiff's response requested that “if this Court is inclined to dismiss this action that the dismissal be without prejudice,” (Lamb Decl. at ¶ 4), and the court believes that dismissal would be most efficient. Accordingly, IT IS ORDERED that the above-captioned case is dismissed, without prejudice, for lack of subject matter jurisdiction.

Dated this 22nd day of November, 2013.

/s/
Fernando M. Olguin
United States District Judge